| | |
|---|---|
| **From:** | Nikki Simon [NSimon@HNTB.com] |
| **Sent:** | Wednesday, June 30, 2010 11:58 AM |
| **To:** | Faruk, Omar |
| **Subject:** | RE: SP 0.26 |

In addition, please cancel the previous DNR #10169.  Thanks.

**Nikki Simon, P.E. -** Project Manager

**NTTA -PMO/GEC**
Simon Engineering & Consulting, Inc.

**From:** Nikki Simon
**Sent:** Wednesday, June 30, 2010 11:30 AM
**To:** 'Faruk, Omar'
**Subject:** SP 0.26

New form as requested.

**Voranique "Nikki" Simon, P.E.**
Project Manager

**NTTA -PMO/GEC**
Simon Engineering & Consulting, Inc.

5910 W. Plano Parkway, Suite 200
Plano, TX 75093
(972) 628-3095 Office
(972) 489-9016 Cell

*CANCELLED DRN# 10169*

# NTTA
NORTH TEXAS TOLLWAY AUTHORITY

# Document Release Notice

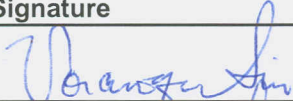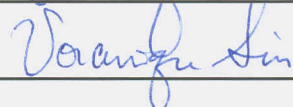| Document Number: | SP 0.26 | Title: | Escalation for Holding Notice to Proceed | |
|---|---|---|---|---|
| Current Revision #: | 0 | Type of Change: | ☑ ORIG RELEASE  ☐ REVISION  ☐ ARCHIVE  ☐ OBSOLETE | |
| New Revision #: | 0 | DRN Number: | 10169  ☐ MAJOR  ☐ MINOR  ☐ ADMIN | |
| Date Submitted: | 5/27/2010 | Document Type: | NTTA Special Provision | Choose from Drop Down Menu - left |

**Summary of Proposed Changes:**
- Include paragraph numbers or other references & attach a copy of the new or revised documents)
- For new documents, indicate "Original Release"

This is a new special provision needed to allow escalation in prices when Contractor's notice to proceed is held for a certain amount of time.

**Reason for New Release / Revision / Obsolescence:**

New Release

**Required Signatures:**

| Title: | Printed Name | Signature | Date: |
|---|---|---|---|
| Originator | Nikki Simon | *[signature]* | 5-27-10 |
| Specifications Manager | Nikki Simon | *[signature]* | 5-27-10 |
| | (N/A) | | |
| Deputy Program Manager | Clif Davis | | |
| | (Alt - Steve Knobbe) | | |
| Program Manager | Steve Knobbe | | |
| | (Alt - Clif Davis) | | |
| Department Director | Elizabeth Mow | | |
| | (N/A) | | |
| Assistant Executive Director | Gerry Carrigan | | |
| | (Alt - Elizabeth Mow) | | |
| Technical Oversight Leader | Mark Bouma | | |
| | (N/A) | | |
| Document Control | Md Omar Faruk | | |
| | (Alt - Peter Claypool) | | |

# PROPOSED SPECIAL PROVISION OR SPECIAL SPECIFICATION REQUEST

Construction: Project Delivery ☒  Maintenance ☐  ITS ☐    Specification Book Year  **2004**
Non-review ☒      Reviewed ☐

Anticipated Use:  System Wide Use ☒    Specific Tollway/Turnpike Use ☐    One Time Use ☐

County: **All**                     Project Number: N/A
City:                               Letting: **Beginning May 2010 letting**
Highway: Systemwide

Proposed Special Provision or Special Specification (Title):
SP-0.26.0 Escalation for Holding Notice to Proceed

Conditions that created the need for the New Special Provision or Special Specification:
**New document required to allow contractor to revise prices when NTP is held up.**

Is the Proposed Special Provision or Special Specification identical or similar to a previously approved
specification or provision?  **Yes**    If yes, then list most recent number:  **SP-0.26.0**

Give a brief summary of content *(if similar to previously approved specification or provision, list changes and
provide marked up copy)*:
**Allows and explains how contractor can revise prices when NTP is held up.**

Reference Items:  N/A

WORD File Name:  **SP-0.26.0_Escalation_CN-XXXX_Rev_05010.doc**                     .
(please Groupwise WORD file and this form to processing office)

Created by:  Nikki Simon                   Phone: 972-628-3095    Date: 5/27/10

Submitted by:  **Nikki Simon**                 Phone: **972-628-3095**    Date: 5/27/10

Approved By:          **Spec. Committee**                         Date: **5/24/10**

New special provision/ special specification number    **SP 0.26.0 Escalation**

Bid Item Number (for new special specification only)
Bid Item Code, Abbreviation, and Pay Item Unit *        **N/A**

* Abbreviation and Pay Item Units to be provided, if applicable, with the 1814NTTA form. The Item Code will
be assigned at the approval of the specification.

*[handwritten: Original Release (Proposed)]* *[Show **Month, year** the form is prepared]*

# NORTH TEXAS TOLLWAY AUTHORITY

## SPECIAL PROVISION

## IMPORTANT NOTICE TO CONTRACTORS

## "ESCALATION FOR HOLDING NOTICE TO PROCEED"

**Contract No.:** *[Show Contract number]*
**Highway:** *[Show roadway name]*, **Section:** *[Show roadway number]*
**County:** *[Show County the roadway is located]*, *[handwritten: Conditional]*

The Authority shall issue Notice to Proceed (NTP) on or about *[Month, Day, Year]*, which will authorize Contractor to proceed with the Work. If NTP has not been issued by the Authority as of Ninety (90) Days after the Award Date, due to no fault of any member of the Contractor, this Contract shall remain in full force and effect, without any modification to the terms and conditions hereof, provided that Contractor shall be entitled to an adjustment in the Bid Price for the Work authorized by NTP, based on the Engineering News Record Construction Cost Index (ENR CCI), from a base date commencing as of the expiration of such Ninety (90) Day period and until the date of issuance of NTP calculated as follows:

Adjusted Bid Price = (Proposal Bid Price) x (ENR CCI)/(BI)*

*The Base Index (BI) (denominator) is the ENR CCI for the calendar month which occurs 90 Days after the Proposal Date. The ENR CCI (numerator) is the index for the calendar month in which NTP is issued.

If NTP has not been issued as of 270 Days after the Award Date due to no fault of any member of the Contractor, Contractor may seek to negotiate a Change Order, including an extension in time for issuance of NTP and an increase in the Bid Price mutually acceptable to Contractor and the Authority, provided that any extension in time for issuance of NTP beyond 270 Days after the Proposal Date shall be subject to the concurrence of Surety. If Contractor does not wish to seek a Change Order as provided above or the Authority fails to issue a Change Order acceptable to Contractor, then following 270 Days after the Proposal Date, Contractor's sole remedy shall be to terminate this Agreement by delivery of notice of termination to the Authority.

*[handwritten: Letting date ?]*